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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 389/2017, CM Nos. 1816-1817/2017

SONAM KUMARI

..... Petitioner

Through: Mr. Mukesh Gupta, Mr. Praney Jain  
and Mr. Chetan Gautam, Advs.

versus

DELHI PUBLIC SCHOOL AND ORS

..... Respondents

Through: Ms. Arushi, Adv. for R1.  
Mr. Sharat Kapoor and Ms. Tanvi  
Kalra, Advs. for R2 to R4.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**ORDER**

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**07.02.2017**

The present petition has been filed by a minor child through her father  
Mr. Shasankh Shekhar with the following reliefs:-

- “a) Issue an appropriate Writ of Certiorari or Order or Direction thereby quashing the letter dated 28.04.2016 issued by the Respondent No.1 School cancelling the admissions of the Petitioner;*
- b) Issue an appropriate writ of mandamus or order or direction thereby directing the Respondent no.1 School for allowing the Petitioner to attend the Classes as student of Class-II in the Respondent No.1 School;*
- c) Direct the Respondent No. 2 / Directorate of Education For Passing Necessary Orders / Clarification in the case of the Petitioner to the Respondent No.1 School for allowing the Petitioner to attend the classes in respondent no.1 school and in case of failure of the respondent no.1 to permit the petitioner to attend classes in the school,*

*take such suitable action as permissible under law and under the provisions of Delhi Education Act against the respondent No.1 School.*

*d) Pass any other relief which this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case."*

Suffice to state vide the impugned communication dated 28<sup>th</sup> April, 2016, the admission of the minor child was cancelled on the ground that the admission has been obtained by using forged income certificate. Sonam Kumari was at the relevant time studying in Class-II of the respondent no. 1 / School.

On the last date of hearing, learned counsel for the petitioner had submitted that the petitioner has placed a fresh income certificate of the father / family on record.

The learned counsel for respondent nos. 2 to 4 sought time to take instructions.

Today, learned counsel for the respondent nos. 2 to 4 has placed before me a certificate dated 27<sup>th</sup> January, 2017 issued by the Tehsildar, Vasant Vihar being F.No. TEH/VV/2016/843 certifying the Income Certificate No. 90550000208186 dated 21<sup>st</sup> November, 2016 has been issued to Mr. Shasankh Shekhar.

In view of the aforesaid noting the fact that the father of the child being responsible for admitting the child on the basis of forged income certificate, the minor child must not suffer.

In similar petitions this Court has granted relief and one such case being ***W.P.(C) 6135/2016 titled Aadya Mishra v. Apeejay School and Ors.***

Accordingly, this Court is of the view that the impugned

communication needs to be set aside and the admission of the minor child needs to be restored. Ordered accordingly. She shall be entitled to all the benefits of EWS category. The restoration of the admission is subjected to the father of the petitioner depositing an amount of Rs.5,000/- with Lok Nayak Jai Prakash Narayan Hospital within two weeks from today. The said Hospital shall utilize the amount for providing treatment to the persons falling under the EWS category.

It is clarified that if the new income certificate furnished by the petitioner is found to be fictitious or not correct on any account, it shall be open to the School to cancel the admission of the petitioner in accordance with law and no special equity shall be claimed by the petitioner/her father by virtue of the present order.

It is clarified that no opinion has been expressed with regard to criminal proceedings.

The petition is disposed of.

**V. KAMESWAR RAO, J**

**FEBRUARY 07, 2017/jg**